LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 875

Introduced by Giese, 17.

Read first time January 11, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1	FOR AN ACT relating to elections; to amend sections 32-101, 32-312,
2	32-312.05, 32-318.01, 32-321, 32-323, 32-325, 32-902,
3	32-914, and 32-915, Reissue Revised Statutes of Nebraska,
4	and section 60-484.02, Revised Statutes Supplement, 2009,
5	to provide for voter registration on the Secretary of
6	State's web site; to harmonize provisions; to provide an
7	operative date; and to repeal the original sections.

1 Section 1. Section 32-101, Reissue Revised Statutes of

- 2 Nebraska, is amended to read:
- 3 32-101 Sections 32-101 to 32-1551 and section 2 of this
- 4 act shall be known and may be cited as the Election Act.
- 5 Sec. 2. (1) The Secretary of State shall prescribe a
- 6 registration application which may be used statewide to register
- 7 to vote and update voter registration records electronically using
- 8 the Secretary of State's web site. An applicant who has a valid
- 9 Nebraska motor vehicle operator's license or state identification
- 10 card may use the application to register to vote or to update
- 11 his or her voter registration record with changes in his or
- 12 her personal information or other information related to his or
- 13 her eligibility to vote. For each electronic application, the
- 14 Secretary of State shall obtain a copy of the applicant's digital
- 15 signature from the Department of Motor Vehicle's records of his or
- 16 her motor vehicle operator's license or state identification card
- 17 for purposes of voter registration and forward the signature
- 18 to the election commissioner or county clerk. The Secretary
- 19 of State may employ additional security measures to ensure the
- 20 accuracy and integrity of voter registration applications submitted
- 21 electronically. Every election commissioner or county clerk shall
- 22 accept such an application for registration.
- 23 (2) The application shall contain substantially all
- 24 the information provided in section 32-312 and the following
- 25 informational statements:

1 (a) An applicant who submits this application

- 2 electronically is affirming that the information in the application
- 3 is true. Any applicant who submits this application electronically
- 4 knowing that any of the information in the application is false
- 5 shall be guilty of a Class IV felony under section 32-1502 of the
- 6 statutes of Nebraska. The penalty for a Class IV felony is up to
- 7 five years imprisonment, a fine of up to ten thousand dollars, or
- 8 both;
- 9 (b) An applicant who submits this application
- 10 electronically is agreeing to the use of his or her digital
- 11 signature from the Department of Motor Vehicle's records of his or
- 12 her motor vehicle operator's license or state identification card
- 13 for purposes of voter registration;
- 14 (c) If the application is submitted electronically and
- 15 the applicant is registering in the state for the first time and
- 16 has not previously voted within the state, the applicant must
- 17 submit a copy of a photo identification which is current and valid
- 18 or a copy of a utility bill, bank statement, government check,
- 19 paycheck, or other government document that is current and that
- 20 shows the name and address of the applicant as they appear on the
- 21 application when voting for the first time;
- 22 (d) To vote at the polling place on election day, the
- 23 completed application must be submitted electronically on or before
- 24 the third Friday before the election; and
- 25 (e) The election commissioner or county clerk will, upon

1 receipt of the application for registration, send an acknowledgment

- 2 of registration to the applicant indicating whether the application
- 3 is proper or not.
- 4 Sec. 3. Section 32-312, Reissue Revised Statutes of
- 5 Nebraska, is amended to read:
- 6 32-312 The registration application prescribed by the
- 7 Secretary of State pursuant to section 32-311.01 or section 2 of
- 8 this act shall provide the instructional statements and request the
- 9 information from the applicant as provided in this section.
- 10 CITIZENSHIP—"Are you a citizen of the United States of
- 11 America?" with boxes to check to indicate whether the applicant is
- 12 or is not a citizen of the United States.
- 13 AGE-"Are you at least eighteen years of age or will you
- 14 be eighteen years of age on or before the first Tuesday following
- 15 the first Monday of November of this year?" with boxes to check to
- 16 indicate whether or not the applicant will be eighteen years of age
- 17 or older on election day.
- 18 WARNING-"If you checked 'no' in response to either of
- 19 these questions, do not complete this application.".
- 20 NAME—the name of the applicant giving the first and last
- 21 name in full, the middle name in full or the middle initial, and
- 22 the maiden name of the applicant, if applicable.
- 23 RESIDENCE—the name and number of the street, avenue, or
- 24 other location of the dwelling where the applicant resides if there
- 25 is a number. If the registrant resides in a hotel, apartment,

1 tenement house, or institution, such additional information shall

- 2 be included as will give the exact location of such registrant's
- 3 place of residence. If the registrant lives in an incorporated or
- 4 unincorporated area not identified by the use of roads, road names,
- 5 or house numbers, the registrant shall state the section, township,
- 6 and range of his or her residence and the corporate name of the
- 7 school district as described in section 79-405 in which he or she
- 8 is located.
- 9 POSTAL ADDRESS—the address at which the applicant
- 10 receives mail if different from the residence address.
- 11 ADDRESS OF LAST REGISTRATION—the name and number of the
- 12 street, avenue, or other location of the dwelling from which the
- 13 applicant last registered.
- 14 TELEPHONE NUMBERS—the telephone number of the applicant
- 15 at work and at home. At the request of the applicant, a designation
- 16 shall be made that the telephone number is an unlisted number,
- 17 and such designation shall preclude the listing of the applicant's
- 18 telephone number on any list of voter registrations.
- 19 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL
- 20 SECURITY NUMBER-if the applicant has a Nebraska driver's license,
- 21 the license number, and if the applicant does not have a Nebraska
- 22 driver's license, the last four digits of the applicant's social
- 23 security number.
- 24 DATE OF APPLICATION FOR REGISTRATION—the month, day,
- 25 and year when the applicant presented himself or herself for

1 registration, or when the applicant completed and signed the

- 2 registration application if the application was submitted by mail
- 3 or delivered to the election official by the applicant's personal
- 4 messenger or personal agent, or when the application was submitted
- 5 if the registration application was completed electronically.
- 6 PLACE OF BIRTH—show the state, country, kingdom, empire,
- 7 or dominion where the applicant was born.
- 8 DATE OF BIRTH—show the date of the applicant's birth.
- 9 The applicant shall be at least eighteen years of age or attain
- 10 eighteen years of age on or before the first Tuesday after the
- 11 first Monday in November to have the right to register and vote in
- 12 any election in the present calendar year.
- 13 REGISTRATION TAKEN BY-show the signature of the
- 14 authorized official or staff member accepting the application
- 15 pursuant to section 32-309 or 32-310 or at least one of the deputy
- 16 registrars taking the application pursuant to section 32-306, if
- 17 applicable.
- 18 PARTY AFFILIATION—show the party affiliation of the
- 19 applicant as Democrat, Republican, or Other or show
- 20 no party affiliation as Nonpartisan. (Note: If you wish to vote in
- 21 both partisan and nonpartisan primary elections for state and local
- 22 offices, you must indicate a political party affiliation on the
- 23 registration application. If you register without a political party
- 24 affiliation (nonpartisan), you will receive only the nonpartisan
- 25 ballots for state and local offices at primary elections. If you

1 register without a political party affiliation, you may vote in

- 2 partisan primary elections for congressional offices.)
- 3 OTHER—information the Secretary of State determines will
- 4 assist in the proper and accurate registration of the voter.
- 5 Immediately following the spaces for inserting
- 6 information as provided in this section, the following statement
- 7 shall be printed:
- 8 To the best of my knowledge and belief, I declare under
- 9 penalty of election falsification that:
- 10 (1) I live in the State of Nebraska at the address
- 11 provided in this application;
- 12 (2) I have not been convicted of a felony or, if
- 13 convicted, it has been at least two years since I completed my
- 14 sentence for the felony, including any parole term;
- 15 (3) I have not been officially found to be non compos
- 16 mentis (mentally incompetent); and
- 17 (4) I am a citizen of the United States.
- 18 Any registrant who signs this application knowing that
- 19 any of the information in the application is false shall be guilty
- 20 of a Class IV felony under section 32-1502 of the statutes of
- 21 Nebraska. The penalty for a Class IV felony is up to five years
- 22 imprisonment, a fine of up to ten thousand dollars, or both.
- 23 APPLICANT'S SIGNATURE—require the applicant to affix his
- 24 or her signature to the application.
- 25 Sec. 4. Section 32-312.05, Reissue Revised Statutes of

- 1 Nebraska, is amended to read:
- 2 32-312.05 The date that a person's voter registration
- 3 record or an update of his or her voter registration record becomes
- 4 effective is the date the person presented himself or herself
- 5 in person to register, the date the registration application
- 6 was delivered to the election commissioner or county clerk,
- 7 or the date the registration application was received by the
- 8 election commissioner or county clerk if the person submitted the
- 9 registration application by mail or electronically.
- 10 Sec. 5. Section 32-318.01, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 32-318.01 (1)(a) Except as provided by subsection (2)
- 13 of this section, a person who registers to vote electronically
- 14 or by mail after January 1, 2003, and has not previously voted
- 15 in an election within the state shall present a photographic
- 16 identification which is current and valid or a copy of a
- 17 utility bill, bank statement, government check, paycheck, or
- 18 other government document which is dated within the sixty days
- 19 immediately prior to the date of presentation and which shows
- 20 the same name and residence address of the person provided on
- 21 the registration application in order to avoid identification
- 22 requirements at the time of voting pursuant to section 32-914 or
- 23 32-947.
- 24 (b) Such documentation may be presented at the time of
- 25 application for registration, after submission of the application

1 for registration, or at the time of voting. The documentation must

- 2 be received by the election commissioner or county clerk not later
- 3 than 6 p.m. on the second Friday preceding the election to avoid
- 4 additional identification requirements at the time of voting at
- 5 the polling place if the voter votes in person. If the voter is
- 6 voting using a ballot for early voting, the documentation must be
- 7 received by the election commissioner or county clerk prior to the
- 8 date on which the ballot is mailed to the voter to avoid additional
- 9 identification requirements at the time of voting. Documentation
- 10 received after the ballot has been mailed to the voter but not
- 11 later than 8 p.m. on election day will be considered timely for
- 12 purposes of determining the applicant's eligibility to vote in the
- 13 election.
- 14 (c) Such documentation may be presented in person, by
- 15 mail, or by facsimile transmission.
- 16 (d) Failure to present such documentation may result in
- 17 the ballot not being counted pursuant to verification procedures
- 18 prescribed in sections 32-1002 and 32-1027.
- 19 (2) A person who registers to vote electronically or
- 20 by mail after January 1, 2003, and has not previously voted in
- 21 an election within the state shall not be required to present
- 22 identification if he or she:
- 23 (a) Has provided his or her Nebraska driver's license
- 24 number or the last four digits of his or her social security number
- 25 and the election commissioner or county clerk verifies the number

- 1 provided pursuant to subsection (2) of section 32-312.03;
- 2 (b) Is a member of the armed forces of the United States
- 3 who by reason of active duty is absent from his or her place of
- 4 residence where the member is otherwise eligible to vote;
- 5 (c) Is a member of the United States Merchant Marine who
- 6 by reason of service is away from his or her place of residence
- 7 where the member is otherwise eligible to vote;
- 8 (d) Is a spouse or dependent of a member of the armed
- 9 forces of the United States or United States Merchant Marine who
- 10 is absent from his or her place of residence due to the service of
- 11 that member;
- 12 (e) Resides outside the United States and but for such
- 13 residence would be qualified to vote in the state if the state was
- 14 the last place in which the person was domiciled before leaving the
- 15 United States; or
- 16 (f) Is elderly or handicapped and has requested to vote
- 17 by alternative means other than by casting a ballot at his or her
- 18 polling place on election day.
- 19 Sec. 6. Section 32-321, Reissue Revised Statutes of
- 20 Nebraska, is amended to read:
- 21 32-321 (1) Any elector may request a voter registration
- 22 application from the office of the Secretary of State or the
- 23 election commissioner or county clerk. The Secretary of State and
- 24 the election commissioner or county clerk shall make registration
- 25 applications prescribed by the Secretary of State available and may

1 place the applications in public places. The Secretary of State

- 2 and the election commissioner or county clerk may require that all
- 3 unused applications be returned to his or her office and may place
- 4 reasonable limits on the amount of applications requested.
- 5 (2) If an elector returns the completed application to
- 6 the office of the Secretary of State or submits an application to
- 7 the Secretary of State electronically, the office shall deliver the
- 8 application to the election commissioner or county clerk of the
- 9 county in which the elector resides not later than ten days after
- 10 receipt by the office, except that if the application is returned
- 11 to the office or submitted electronically within five days prior
- 12 to the third Friday preceding any election, it shall be delivered
- 13 not later than five days after the date it is returned. The
- 14 deadline for returning a completed application to the office of the
- 15 Secretary of State or submitting an application electronically is
- 16 the close of business on the third Friday preceding an election to
- 17 be registered to vote at such election. A registration application
- 18 received after the deadline shall not be processed by the election
- 19 commissioner or county clerk until after the election. The office
- 20 of the Secretary of State shall be a designated voter registration
- 21 agency for purposes of section 7 of the National Voter Registration
- 22 Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on March
- 23 11, 2008.
- 24 (3) If an elector mails the registration application to
- 25 the election commissioner or county clerk:

1 (a)(i) The application shall be postmarked on or before

- 2 the third Friday before the next election; or
- 3 (ii) The application shall be received not later than
- 4 the second Tuesday before the next election if the postmark is
- 5 unreadable; and
- 6 (b) The application shall be processed by the election
- 7 office as a proper registration for the voter to be entitled to
- 8 vote on the day of the next election.
- 9 (4) If the registration application arrives after the
- 10 registration deadline, the application shall not be processed
- 11 until after the election. Written notice shall be given to
- 12 any applicant whose registration application failed to meet the
- 13 registration deadline or was found to be incorrect or incomplete
- 14 and shall state the specific reason for rejection. If the
- 15 application is incomplete, the election commissioner or county
- 16 clerk shall notify the applicant of the failure to provide the
- 17 required information, including failure to provide identification
- 18 if required, and provide the applicant with the opportunity to
- 19 submit an identification document as described in section 32-318.01
- 20 prior to the deadline for voter registration or to complete and
- 21 submit a corrected registration application in a timely manner to
- 22 allow for the proper registration of the applicant prior to the
- 23 next election. All postage costs related to returning registration
- 24 applications to the election commissioner or county clerk shall be
- 25 paid by the registrant.

1 Sec. 7. Section 32-323, Reissue Revised Statutes of

- 2 Nebraska, is amended to read:
- 3 32-323 (1) Registration by mail shall not constitute a
- 4 valid registration for purposes of signing any type of petition
- 5 requiring the validation of the signatures of registered voters
- 6 until a complete and correct registration application has been
- 7 received by the election commissioner or county clerk. A signature
- 8 on a petition shall be considered a valid signature as of the
- 9 date that the election commissioner or county clerk receives the
- 10 registration application of the registrant.
- 11 (2) Submitting a registration application electronically
- 12 shall not constitute a valid registration for purposes of signing
- 13 any type of petition requiring the validation of the signatures
- 14 of registered voters until a complete and correct registration
- 15 application has been received by the election commissioner or
- 16 county clerk. A signature on a petition shall be considered a valid
- 17 signature as of the date that the election commissioner or county
- 18 clerk receives the registration application and digital signature
- 19 of the registrant.
- 20 Sec. 8. Section 32-325, Reissue Revised Statutes of
- 21 Nebraska, is amended to read:
- 22 32-325 (1) A registration application completed and
- 23 signed by a registered voter seeking to update his or her voter
- 24 registration record shall be completed in person at or delivered or
- 25 mailed to the office of the election commissioner or county clerk

1 or submitted electronically to the Secretary of State. To avoid

- 2 additional requirements at the polling place pursuant to section
- 3 32-914.01, 32-914.02, or 32-915, an application to update a voter
- 4 registration record must be:
- 5 (a) Completed or delivered by the applicant in person
- 6 at the office of the election commissioner or county clerk on or
- 7 before the deadline prescribed in section 32-302; or
- 8 (b) Delivered by a personal messenger or personal agent
- 9 or submitted electronically or mailed so that it is received by
- 10 the election commissioner or county clerk on or before the deadline
- 11 prescribed in section 32-321.
- 12 (2) After verifying the signature on the previous
- 13 registration of the registered voter, the election commissioner or
- 14 county clerk shall make the change of name, party affiliation,
- 15 or address on all pertinent election records. The election
- 16 commissioner or county clerk shall send an acknowledgment card to
- 17 the registered voter indicating that the change of registration
- 18 has been completed and shall include the address of the registered
- 19 voter's new polling place.
- 20 Sec. 9. Section 32-902, Reissue Revised Statutes of
- 21 Nebraska, is amended to read:
- 22 32-902 (1) The election commissioner or county clerk
- 23 shall cause instructions for the guidance of registered voters in
- 24 preparing their ballots to be printed in large, clear type on
- 25 cards in English. He or she shall furnish at least five such cards

1 to each polling place in each precinct at the same time and in

- 2 the same manner as the printed ballots. The judges or clerks of
- 3 election shall post such cards in each voting booth on the day of
- 4 election. The card shall contain full instructions on preparing and
- 5 casting ballots, including how to cast a write-in vote. The form
- 6 and contents of the cards shall be approved by the Secretary of
- 7 State.
- 8 (2) The election commissioner or county clerk shall cause
- 9 voting information to be posted in each polling place on the day
- 10 of election. The voting information shall include the following
- 11 information as approved by the Secretary of State:
- 12 (a) Information regarding the date of the election and
- 13 the hours during which polling places will be open;
- 14 (b) Instructions for voters who registered to vote
- 15 electronically or by mail and first-time voters;
- 16 (c) General information on voting rights under applicable
- 17 federal and state laws, including information on the right of an
- 18 individual to cast a provisional ballot and instructions on how to
- 19 contact the appropriate officials if these rights are alleged to
- 20 have been violated; and
- 21 (d) General information on federal and state laws
- 22 regarding prohibitions on acts of fraud and misrepresentation.
- 23 Sec. 10. Section 32-914, Reissue Revised Statutes of
- 24 Nebraska, is amended to read:
- 25 32-914 (1) Official ballots shall be used at all

1 elections. No person shall receive a ballot or be entitled to

- 2 vote unless and until he or she is registered as a voter except
- 3 as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
- 4 32-936.
- 5 (2) Except as otherwise specifically provided, no ballot
- 6 shall be handed to any voter at any election until:
- 7 (a) He or she announces his or her name and address to
- 8 the clerk of election;
- 9 (b) The clerk has found that he or she is a registered
- 10 voter at the address as shown by the precinct list of registered
- 11 voters unless otherwise entitled to vote in the precinct under
- 12 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01;
- (c) The voter has presented a photographic identification
- 14 which is current and valid at the time of the election, or a
- 15 copy of a utility bill, bank statement, paycheck, government check,
- 16 or other government document which is current at the time of the
- 17 election and which shows the same name and residence address of the
- 18 voter that is on the precinct list of registered voters, if the
- 19 voter registered electronically or if the voter registered by mail
- 20 after January 1, 2003, and has not previously voted in an election
- 21 for a federal office within the county and if a notation appears
- 22 on the precinct list of registered voters that the voter has not
- 23 previously presented identification to the election commissioner or
- 24 county clerk;
- 25 (d) As instructed by the clerk of election, the

1 registered voter has personally written his or her name (i) in the

- 2 precinct sign-in register on the appropriate line which follows
- 3 the last signature of any previous voter or (ii) in the combined
- 4 document containing the precinct list of registered voters and the
- 5 sign-in register; and
- 6 (e) The clerk has listed on the precinct list of
- 7 registered voters the corresponding line number and name of the
- 8 registered voter or has listed the name of the voter in a separate
- 9 book as provided in section 32-913.
- 10 Sec. 11. Section 32-915, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 32-915 (1) A person whose name does not appear on the
- 13 precinct list of registered voters at the polling place for the
- 14 precinct in which he or she resides or whose name appears with a
- 15 notation that he or she received a ballot for early voting may vote
- 16 a provisional ballot if he or she:
- 17 (a) Claims that he or she is a registered voter who has
- 18 continuously resided in the county in which the precinct is located
- 19 since registering to vote;
- 20 (b) Is not entitled to vote under section 32-914.01 or
- 21 32-914.02;
- 22 (c) Has not registered to vote or voted in any other
- 23 county since registering to vote in the county in which the
- 24 precinct is located;
- 25 (d) Has appeared to vote at the polling place for the

1 precinct to which the person would be assigned based on his or her

- 2 residence address; and
- 3 (e) Completes and signs a registration application before
- 4 voting.
- 5 (2) A voter whose name appears on the precinct list
- 6 of registered voters for the polling place with a notation
- 7 that the voter is required to present identification pursuant
- 8 to section 32-318.01 but fails to present identification may vote a
- 9 provisional ballot if he or she completes and signs a registration
- 10 application before voting.
- 11 (3) Each person voting by provisional ballot shall
- 12 enclose his or her ballot in an envelope marked Provisional
- 13 Ballot and shall, by signing the certification on the front of the
- 14 envelope or a separate form attached to the envelope, certify to
- 15 the following facts:
- 16 (a) I am a registered voter in County;
- 17 (b) My name did not appear on the precinct list of
- 18 registered voters;
- 19 (c) I registered to vote on or about this date
- 20;
- 21 (d) I registered to vote
- 22 in person at the election office or a voter
- 23 registration site,
- 24 by mail,
- 25 electronically,

1 on a form through the Department of Motor Vehicles,

- 2 on a form through another state agency,
- 3 in some other way;
- 4 (e) I have not resided outside of this county or voted
- 5 outside of this county since registering to vote in this county;
- 6 (f) My current address is shown on the registration
- 7 application completed as a requirement for voting by provisional
- 8 ballot; and
- 9 (g) I am eligible to vote in this election and I have not
- 10 voted and will not vote in this election except by this ballot.
- 11 (4) The voter shall sign the certification under penalty
- 12 of election falsification. The following statements shall be on
- 13 the front of the envelope or on the attached form: By signing the
- 14 front of this envelope or the attached form you are certifying to
- 15 the information contained on this envelope or the attached form
- 16 under penalty of election falsification. Election falsification
- 17 is a Class IV felony and may be punished by up to five years
- 18 imprisonment, a fine of up to ten thousand dollars, or both.
- 19 (5) If the person's name does not appear on the precinct
- 20 list of registered voters for the polling place and the judge or
- 21 clerk of election determines that the person's residence address is
- 22 located in another precinct within the same county, the judge or
- 23 clerk of election shall direct the person to his or her correct
- 24 polling place to vote.
- 25 Sec. 12. Section 60-484.02, Revised Statutes Supplement,

- 1 2009, is amended to read:
- 2 60-484.02 (1) Each applicant for an operator's license
- 3 or state identification card shall have his or her digital image
- 4 taken. Digital images shall be preserved for use as prescribed in
- 5 sections 60-4,119, 60-4,151, and 60-4,180. The images shall be used
- 6 for issuing operators' licenses and state identification cards. The
- 7 images may be retrieved only by the Department of Motor Vehicles
- 8 for issuing renewal, duplicate, and replacement operators' licenses
- 9 and state identification cards and may not be otherwise released
- 10 except in accordance with subsection (3) of this section.
- 11 (2) Upon application for an operator's license or
- 12 state identification card, each applicant shall provide his
- 13 or her signature in a form prescribed by the department.
- 14 Digital signatures shall be preserved for use on original,
- 15 renewal, duplicate, and replacement operators' licenses and state
- 16 identification cards and may not be otherwise released except in
- 17 accordance with subsection (3) (4) of this section.
- 18 (3) No officer, employee, agent, or contractor of the
- 19 department or a law enforcement officer shall release a digital
- 20 image or a digital signature except to a federal, state, or
- 21 local law enforcement agency, a certified law enforcement officer
- 22 employed in an investigative position by a state or federal agency,
- 23 or a driver licensing agency of another state for the purpose
- 24 of carrying out the functions of the agency or assisting another
- 25 agency in carrying out its functions upon the verification of the

1 identity of the person requesting the release of the information

- 2 and the verification of the purpose of the requester in requesting
- 3 the release. Any officer, employee, agent, or contractor of the
- 4 department or law enforcement officer that knowingly discloses
- 5 or knowingly permits disclosure of a digital image or digital
- 6 signature in violation of this section shall be guilty of a Class
- 7 I misdemeanor.
- 8 (4) No officer, employee, agent, or contractor of the
- 9 department, law enforcement officer, or employee or official in the
- 10 office of the Secretary of State shall release a digital signature
- 11 except to a federal, state, or local law enforcement agency, a
- 12 certified law enforcement officer employed in an investigative
- 13 position by a state or federal agency, a driver licensing agency
- 14 of another state, the office of the Secretary of State, or the
- 15 office of an election commissioner or county clerk for the purpose
- 16 of carrying out the functions of the agency or assisting another
- 17 agency in carrying out its functions upon the verification of the
- 18 identity of the person requesting the release of the information
- 19 and the verification of the purpose of the requester in requesting
- 20 the release. Any officer, employee, agent, or contractor of the
- 21 department, law enforcement officer, or employee or official in
- 22 the office of the Secretary of State that knowingly discloses or
- 23 knowingly permits disclosure of a digital signature in violation of
- 24 this section shall be guilty of a Class I misdemeanor.
- 25 Sec. 13. This act becomes operative on January 1, 2011.

1 Sec. 14. Original sections 32-101, 32-312, 32-312.05,

- 2 32-318.01, 32-321, 32-323, 32-325, 32-902, 32-914, and 32-915,
- 3 Reissue Revised Statutes of Nebraska, and section 60-484.02,
- 4 Revised Statutes Supplement, 2009, are repealed.